

**MINUTES OF THE CITY PLANNING COMMISSION WITH THE
NEIGHBORHOOD AND PUBLIC SERVICES COMMITTEE
SPECIAL MEETING
MADISONVILLE RECREATION CENTER
5320 Stewart Road**

**July 31, 2003
7-9:30 P.M.**

Present: City Planning Commission, Appointed Members: Donald Mooney, Chairman; Peter Witte; Terry Hankner; Caleb Faux

Councilmembers: David Pepper, Chairman; Chris Monzel; David Crowley

Community Development and Planning Staff: Margaret Moertl, Director; William Forwood, Acting Chief Planner; Steven Kurtz, Land Use Administrator, Julia Carney, Senior Planner; David Efland, Senior Planner; Rodney Ringer, Senior Planner

INTRODUCTORY COMMENTS

Councilmember David Pepper stated that the purpose of this public meeting was to present and address concerns and answer questions regarding the Zoning Code update. This is the third of three public hearings jointly held by the Neighborhoods Committee of City Council and the City Planning Commission (CPC). He explained that approximately four months ago, a number of neighborhoods felt the process was progressing too quickly and expressed concerns that they had not had the opportunity to study the update, respond to it, and have questions answered. In May and June, neighborhood groups and individuals met with the Department of Community Development and Planning (DCDP) staff. As a result, questions were addressed and changes were made. Three public hearings were also scheduled, one per region, to address final comments with the hope of completing the process in the fall.

Planning Commission Chairman, Donald Mooney introduced Planning Commission members Caleb Faux and Pete Witte. Mr. Mooney stated that the Zoning Code update has been an ongoing process for several years. Prior to finalizing the project, public input is being sought regarding the mapping and draft text. Adjustments have been made based upon the input from the two previous public hearings and additional adjustments are anticipated in response to views expressed at this third public hearing.

Councilmember Pepper emphasized that the goal is not an attempt to change zoning, but to better the zoning system. He then introduced Councilmember David Crowley.

OVERVIEW OF THE ZONING CODE UPDATE

Margaret Moertl, Director of the DCDP, presented a PowerPoint presentation summarizing the Zoning Code update. In 1999, City Council and the City Manager directed the CPC and the Planning Department to revise the Zoning Code.

Ms. Moertl summarized the purpose of updating the Zoning Code noting that the Code, which was last updated 37 years ago, was judged to be cumbersome, not user-friendly, subjectively applied, and more in tune with suburban development. The presentation included a chronological summary of the public participation involved in the updating process. Key themes of the updated Code were outlined including:

- *A Performance-Oriented Approach.* Instead of the discretionary reviews, subjective guidelines, and frequent hearings, there will be regulations for performance standards and fewer hearings allowing for more consistent enforcement.
- *A Simplified District Framework.* The number of base districts has been reduced and the terminology modified. Instead of Environmental Quality (EQ) Districts being an adjunct to the Code, they are now included in the Code. Instead of Transition Districts with buffering unique to districts, there will be required buffers between areas with a change in land use.
- *Updated Use Regulations.* Regulations are more concise and simpler to enforce.
- *Streamlined Administration.* A single hearing examiner will use very clear procedures, standards, and evaluation criteria.

Ms. Moertl pointed out highlights of the new Code including:

- *Single-family Districts* have been added with a minimum lot size of 2,000 and 4,000 minimum square feet per lot.
- *Planned Development Districts* allow for many mixed uses in the same district and therefore greater development flexibility. The development will still require community input and Planning Commission and Council approval.
- *New Commercial Districts* have been added based on scale (neighborhood, community or general) and orientation (Pedestrian, Mixed or Auto).

Ms. Moertl reviewed new Use categories, as well as the criteria staff used for mapping, which was primarily based upon existing lot sizes and current land use.

Ms. Moertl stated that concerns had been raised regarding the mapping of Single-family and RMX (Residential Mixed) Districts. Under the existing Zoning Code, 26% of the City is included in Single-family Districts; in the proposed

update, 53% of the City is included in Single-family Districts. Specifically for Hyde Park (based on the CNAS boundaries), 61% is currently zoned Single-family. This will be increased to 83% in the update. Whereas, under the proposed zoning for Hyde Park, Multi-family zoning decreases from 34% to 13%.

In response to Ms. Moertl, Steven Kurtz, Land Use Administrator, described RMX Districts as a Residential Mixed District that allows single-family, two-family, and three-family dwellings. There are only three areas in Hyde Park that were recommended for RMX zoning. The existing zoning in those areas is either R-4 or R-5 (Multi-family Districts, high density). By changing the R-4 and R-5 to RMX, those districts have been made more restrictive by preventing more apartment buildings from being constructed. In response to Mr. Mooney questioning front yard parking within RMX, Mr. Kurtz explained that when RMX Districts were originally established, they were set up to include up to four-family dwellings. It has since adjusted down to three. Based upon these changes and further review, staff has recommended eliminating the conditional use for commercial parking facilities in RMX Districts. In addition, staff is considering the prohibition of front yard parking in RMX Districts, which is now prohibited in Single-family Districts.

[Planning Commissioner Terry Hankner entered the meeting.]

Ms. Moertl concluded that the CPC will have a special session at the end of August to consider recommending the new Zoning Code and maps to City Council. It would likely be presented to the Neighborhood and Public Services by mid-September and Council would have the opportunity (at its option) to adopt the new Code and maps by the end of September.

Mr. Pepper stated that there are many individuals requesting to speak, therefore, comments would be limited to two minutes. If possible, the issue will be addressed immediately, or it will be noted down, so staff can pursue the a resolution. If your issue has been addressed and you wish not to speak, inform us and we will recognize the next speaker. If anyone has a statement in writing, it is very helpful and requested that they submit it to the Clerk. If it is not in writing, it can be submitted later.

Mr. Mooney stated that if concerns can be emailed to him or Mr. Kurtz will also take written comments.

PUBLIC INPUT

Carl Uebelacker

Member of the HPNC Zoning Committee

Mr. Uebelacker stated that the update is a significant improvement; however, representing the community of Hyde Park, he wished to convey three points:

- The process is flawed.
Mr. Uebelacker explained that the community has not received timely information on changes. There are insufficient hard copies of text and maps; one per neighborhood is not enough. In addition, the information is not consistent and changes are not identified, so impossible to tell what has changed. To remedy this, Mr. Uebelacker recommended establishing a single official source of all text and maps; identifying all changes on that official source and advising everyone involved on a timely basis. In addition, the community should be given 30 days to respond.
- Significant Changes are imbedded in the new text.
Mr. Uebelacker gave an example of a significant change in that the new EQ procedures eliminate community input.

(Councilmember Pepper asked for closing comments and anything else could be submitted to the Clerk.)

- Although the contention is that the update is not re-zoning, that is what has been proposed.
Mr. Uebelacker explained that the south side of Observatory is being changed from Residential to Office. There are 13 properties there, two of which are conditional use offices. The remaining are residential, yet the entire strip is being recommended to be Office.

Mr. Mooney questioned the specific area on Observatory that was of concern. Mr. Uebelacker replied it is from Alton Gallery to the body and hair shop, east of Edwards to west of Morten. He added that that zoning is in direct contradiction to the Hyde Park Plan passed by Council, which specifically stated that all residential uses should stay residential.

Gary Wollenweber:

Chairman of the Hyde Park Neighborhood Council Zoning Committee

Mr. Wollenweber commented on the following changes to zoning text and maps, determined to be detrimental to the Hyde Park community:

- Elimination of the current R-3 district and re-zoning much to RMX. The RMX reduces the minimum lot size to about half of the current lot area. Over time this will discourage owner-occupied property and encourage subdivision of some of the larger lots.
- Rezoning of R-4, which currently requires a 5,000 sf minimum lot to RMX which requires a 2000 sf minimum lot is a substantial change.
- Rezoning R-4 and R-5 districts to SF-2. The front yard setback is being reduced from 20' to 5'. There are none like that now. SF-2 is not appropriate nor desired for Hyde Park.
- Rezoning of Residential zoned property to Office along Observatory.

In addition, Mr. Wollenweber concerns stated in their letter of May 16th have not been fully resolved. He stated he had written comments that he would submit and would like the opportunity to discuss the issues with staff, CPC and City Council members, as appropriate.

Norm Lewis

Chair of the Hyde Park Square and Hyde Park East EQ Review Committee

Mr. Lewis explained that both the HPS and HPE EQ Committees consist of three members from the Neighborhood Council and three members from the Business Association, so the following represents a cross section of business and residential concerns:

- Currently there are 17 districts in the City. Rather than a separate set of guidelines for each district, the new Code allows each district to pick from a list of 13 requirements. HPS and HPE would like to pick them all, including a new guideline, E1, that bans drive through restaurants, which they think are not appropriate for Hyde Park.
- Under the new Code, the Director of Buildings and Inspections or the zoning Hearing Examiner would review applications and issue a permit if he/she believes it is in compliance. This may be used to eliminate community input. EQ Districts came into existence because of mistakes that were made.
- In Hyde Park East, the proposed zone is NC-M (mixed use). A pedestrian designation like CN-P would be more appropriate.
- The signage S5 needs revision. It will allow one square foot of signage per foot of frontage. This is four times the current limit. The current limit should be maintained. Also, the height limit which is six feet should be specified from above the sidewalk grade, so a structure cannot be put on a hill.

In response to Mr. Mooney, Mr. Lewis stated he would submit his comments in writing.

[Councilmember Pepper recognized Councilmember Cranley, who entered the hearing]

Brian Breneman

2147 Eastern Avenue

Mr. Breneman stated that originally CDPD detailed 10 criteria that would be used in developing the new Zoning Code, including existing land use, adjacent land use, and community development plans. In meeting with the Planning Department to discuss specific concerns including reduction in density, losses of use, there was some response to concerns. However, upon receiving the new maps and Code on July 1, they discovered that a PD zone had been laid over the top of most of the areas of concern. This means that a hearing would have to

be held every time someone wants to do something down there. In addition, this contradicts the idea of using existing use as a criteria. Mr. Breneman stated they eventually were informed that the only criteria for establishing the mapping in the new Code would be existing use and that neighborhood plans would not be considered. Mr. Breneman explained that the East End had a 1992 Neighborhood Plan, ratified by City Council. Zoning was altered to reflect that Plan and zoning has once again been altered negatively and the Plan is no longer reflected in the Zoning Code.

Paul Naberhaus

2518 Salem

Mr. Naberhaus stated that since the last Zoning Code was written, there has been a steady reduction of single family homes in Hyde Park due to stores and offices that have moved in. In addition, there has been an increase of single family homes being converted into duplexes and even three and four-family homes. The new Zoning Code is now re-codifying the loss of zoning protection that has occurred. In essence, he contended, zoning has been downgraded. He questioned whether City Council wanted to retain single family residences, because the opposite is happening. Mr. Naberhaus stated that he considered the new zoning to be developer free re-zoning.

John Leonard

3033 Springer Avenue

Mr. Leonard stated he had just moved to Cincinnati from Chicago this month, and as a newcomer, did not understand the issues.

Councilmember Pepper explained that after two months of receiving input on the new Zoning Code in open house sessions, there were still issues raised. This public hearing was the final of three that were set up in response to concerns expressed. As a result of the past two hearings, questions have been answered and hopefully, concerns will be addressed in response to public input from this session.

Marjorie and Carl Evert

3163 Bellewood

Chair of the Citizens Concerned about Hilton Davis

Ms. Evert emphasized the importance of planning for the future and not repeating the mistakes of the past. She explained that Hilton Davis is an 80 acre piece of land in Pleasant Ridge surrounded by residential property. There have been eight to nine changes of ownership in the last 15 years. With each change of ownership, the manufacturing base declines and employees are fired. She contended that eventually, the property will lie dormant. It is still designated as MF exclusive, which she asserted is the worst designation possible. Other uses, including Residential or Office would allow an increase of taxes. She stated if the zoning is changed, there would be more influence with the OEPA, who are the

final arbitrators of whether the property will be cleaned up. It is now under a court order to be remediated of toxic waste. The OEPA will not force them to clean it up except to industrial standards because the City has designated it as a manufacturing site. She asked for assistance on getting a different ruling.

Mr. Faux stated in considering the last speaker's request to change how land is considered in the Zoning Code, generally a zoning code would include rules and regulations that facilitate the implementation of a Master Plan. Unfortunately, because budgetary constraints have postponed updating the Master Plan, the Code is being written reflecting things as they are – current use, and not with the benefit of a Master Plan that looks to the future.

Matt Walsh

1348 Michigan Avenue

Mr. Walsh stated that while the update is intended to eliminate complexities, for the community of Hyde Park, it will result in the loss of residential housing and an exacerbation of parking problems and will ultimately be destructive to what makes Hyde Park a desirable place to live. He asserted the implementation will drive tax-paying residents out of the City as a reaction to looking at more cars, parking lots, cell phone towers, drive-thru banks, and refuse storage.

Jessica Murdaugh

2854 Victoria Avenue

As a resident of Hyde Park, with a Ph.D. in Social Psychology, Ms. Murdaugh stated that she speaks as a long-time resident and a social scientist. She indicated her home on Victoria Avenue will not be directly affected by the zoning changes, but wanted to point out that this is the third major change in their immediate community. The Episcopal retirement home wishing to expand into a residential area and the expansion of the Kroger have been points of contention in the past. The new zoning represents a third concern regarding how the proposed changes will increase property value and quality of life in the targeted areas around the Hyde Park Square Business District. Ms. Murdaugh stated that while commercial interests might in the short run benefit financially from the proposed changes, it will lead to the long-term erosion of the quality of life in Hyde Park. She asserted the intactness, good reputation and contribution to the City of Hyde Park is under siege with the proposed changes.

Richard Naberhaus

Mr. Naberhaus stated he has been a resident of Hyde Park for 33 years. He pointed out that a 3-family home on his street was reconverted into a single-family. He was concerned that this trend would be reversed if the area was changed to RMX. He expressed concern that two blocks of Edwards Road adjacent to the business portion, as well as the same two block of Shaw and Michigan were being changed to RMX and two block to SF-6. He stated they are

comprised of 78% single-family housing, previous zoned R-3 and R-4. The RMX designation would be a more dense usage.

Margaret Quinn

3521 Burch Avenue

Ms. Quinn stated she lives in the 3500 block of Birch and is concerned with the RMX designation on her street, that is currently zoned R-3 or R-4.

Mr. Mooney pointed out that the text indicates that RMX is a less dense use than any other multi-family, which includes R-3 and R-4. He acknowledged with RMX, a two-family on a 4000 sf lot could be made into two single-family homes on a 2000 sf lot. He asked for clarification of her concern.

Ms. Quinn stated she would like assurance that front yard parking would not be permitted. Mr. Mooney responded that problem had been resolved. Ms. Quinn also asked for clarification regarding monopoles for cell phones.

Mr. Kurtz responded under the existing Code, monopole communication towers are conditional uses in every existing zoning district. The new Code changes nothing regarding these. He confirmed for Mr. Mooney that a hearing would be required for the conditional use, which is a duty of the Director of Buildings and Inspections.

Alton Mayo

1887 Berkshire Club Drive

Mr. Mayo stated he and Mr. Fred Rutherford, who was also in attendance, represented the Berkshire Club Condominium Association in Mt. Washington. Mr. Mayo questioned if extensions of schools (such as athletic stadiums and playing fields) were considered as schools, a permitted use. Or, would they fall under "Park and Recreational Facilities" which require conditional use approval. His primary concern was that the maximum height of exterior lighting (according to Chapter 1421-39) had been increased from 6' to 20' without conditional use approval and whether the athletic fields were considered a permitted use, 20' lighting would be permitted. Mr. Mayo acknowledged that a modest increase might be warranted, but stated that the increase in height is not in the best interest of neighborhoods. He suggested the maximum height be kept low enough to ensure that the neighborhood will have the opportunity to be notified and participate in a conditional use hearing process when exterior lighting might be detrimental to them, especially those related to school athletic stadiums and playing fields. The issue is of particular concern since their condo community backs up to a high school.

In response to Councilmember Pepper's request, Mr. Kurtz addressed Mr. Mayo's issues. Mr. Kurtz stated that playfield and athletic facilities are normally permitted uses. Staff is considering changing school land use in residential

districts to a conditional use, so if a playfield would be applied for, it would be subject to a hearing and notification. Upon consulting B & I, staff ascertained that nearly every request for conditional use lighting up to 20' in height had been approved. Since a goal was to eliminate additional hearings, the regulations were written to reflect the current use, which indicates 20' based upon prior approvals.

Andy Wilson

1343 Michigan Avenue

Mr. Wilson expressed concern regarding the zoning designation changes for Observatory, between Linwood and Edwards and Michigan Avenue, south of Observatory. Mr. Wilson contended that the change of zoning to Office Limited will increase potential business activity and thereby exacerbate the traffic congestion and accidents that have already increased dramatically since the Rookwood development and expansion. He pointed out the nearly impossible task to cross the crosswalk at Michigan/Observatory intersection. Hyde Park Elementary school is located within 40 feet of this re-zoning, and any increase in traffic would put children at risk. The proposed changes would not only increase the traffic congestion, but force parking deeper into residential areas, and ultimately drive families out of Hyde Park.

Kathryn Gibbons

3566 Edwards Road (Resident for 27 years)

Ms. Gibbons described Edwards Road as being a mix of single- and multi-family residences on a very busy street. She said her primary concern is that they do not want a denser multi-family use on Edwards, since it is becoming less and less owner-occupied and more rental. Ms. Gibbons stated that she would like to discuss the proposed update with staff since information she had received from the Hyde Park Neighborhood Council seems to be different than the information being given this evening.

Ms. Moertl remarked that a meeting could be set up with her and staff, and anyone other interested individuals to discuss the area in more detail.

In response to Mr. Mooney's request, Mr. Uebelacker stated that he could forward a map to him that would specify residential homes between Edwards and Michigan and down to Morton. Mr. Faux reiterated that it is not the intent of the update to re-zone property and in the event that has happened, it would be corrected.

Mary Wilson

2570 Erie Avenue

Ms. Wilson stated that her issues had been addressed.

Wes Gimbert

3636 Victoria Lane

Mr. Gimbert expressed his thanks to the Hyde Park Neighborhood Council for informing the neighborhood about the update and requested that the committee speak with the Neighborhood Council to address concerns.

Susan Doucleff

Ms. Doucleff remarked that the Oakley Community Council was delighted to work with City staff and the CPC members through this process. She noted that they had issues and concerns that were resolved by working directly with staff. She acknowledged that they didn't always agree with the outcome, but understood reasons why changes were made. In response to previous comments regarding the Kroger store in Oakley, Ms. Doucleff stated that the community worked closely with them during the expansion. She explained that it is important to recognize we are in an urban environment and that competition exists. When a store feels it must grow to compete, it is important to work with them to ensure that the growth is the best possible growth it can be.

Jeff Terlindan

Mr. Terlindan said that his biggest concern was the lack of communication. He stated the Open Houses were not worth his time and felt that staff should be more proactive. He had no response to a letter he submitted to Mr. Kurtz dated June 25, although he heard that his letter might be considered, but most likely not accepted.

He noted a specific concern regarding the proposed RMX designation on Ridge Road when crossing the railroad tracks. He stated they would like it to remain as originally revised as SF-6.

Councilmember Pepper stated that despite Mr. Terlindan's experience, he believed the Open Houses were a good faith effort by hardworking staff to address concerns.

Mike Lacinak

Vice President of Mt. Washington Community Council and Chairman of the EQ Committee

Mr. Lacinak commented that they received much technical assistance from the Planning Staff regarding the EQ overlay process. The MWCC Board ultimately voted to have all the components apply to their business district. Staff worked to make corrections to the mapping that was received by the community in July.

Mr. Lacinak pointed out additional concerns:

- He wanted to ensure that Walgreens would be held to conditions as negotiated with the current EQ; and

- Since there are no longer Transition Zones, would previously negotiated issues be binding? Mr. Lacinak explained that at the southern end of their business district, in the Beechmont Avenue/Mears Avenue area, two key issues were negotiated with current uses, one being limiting hours of deliveries to loading docks hours and the second, hours of operation. While Walgreens being open 24 hours may not be a big issue, at the other end of the neighborhood, a gas station or used car lot that may want to operate late into the night with lights would be an issue.

Councilmember Pepper replied that any issue that has been specifically negotiated as part of an EQ or Transition District continues. Ms. Moertl confirmed Mr. Pepper's response.

Steven Kurtz further expounded upon the issue noting that any zoning decision or a permit issued or determination made under the existing Code will have to be followed through until completion, even when the new Code is adopted. The ordinance that will accompany the new Code will stipulate these details.

Mr. Derth

As a former Planning Commission member, Mr. Derth stated the update is a good idea and generally good work, but requested they look again at the comparison of building height definition.

The existing definition, recognizing Cincinnati as a hillside city, measures building height from the front grade of the street. The new Code definition stipulates building height to be measured from the average finished grade around the perimeter of the building. Mr. Derth stated this is a bad idea since any developer could manipulate a building height by raising the grade. In addition, it would require a survey costing between \$500 and \$1000 if, for example, someone wanted to add a dormer or change a roof line.

Jenny O'Donnell

4950 Bouton Street

Linwood Community Council

Ms. O'Donnell stated two points were raised at the Open House that were not resolved with the new mapping.

- They had requested that the Shaddock/Louchaine/Heekin area be designated Hillside. (They had asked for it to be an EQ District, but were told it could not be designated as such because of the new zoning.)
- The playfield area near Lunken Airport is proposed to be zoned Manufacturing Limited. The area includes a golf course, tennis center, and the Land of Make Believe and is located along a river. They are requesting it be zoned Recreational to protect the area.

In reply to Ms. O'Donnell, Ms. Moertl stated the Shadduck/Louchaine/Heekin area has been designated a hillside district.

Jeff Lovelace

Resident of Hyde Park, residing on Edwards Road between Wasson and Griffiths, north of Hyde Park Square

Mr. Lovelace stated he is in agreement with the residents of Edwards, Michigan and Shaw and is against converting the zoning to RMX, which would promote more rental properties. He maintained the zoning should remain as it is with the anticipation that the residences will be converted back into single-family homes.

Chris Jenkins

1335 Michigan Avenue

Mr. Jenkins stated that, thanks to the Hyde Park Neighborhood Council, he was made aware of the proposed re-zoning of the south side of Observatory at 6:30 p.m. this evening. He explained that he lives five houses up from the proposed re-zoning on Michigan Avenue. Mr. Jenkins reiterated Ms. Moertl's previous comments that this not a re-zone or a change in the zoning and if that were the case, it would require notice to all contiguous owners and a lengthy public legal process. He stated that the south side of Michigan Avenue between Edwards Road and Linwood is proposed to be Office Limited, which includes limited commercial. Mr. Jenkins questioned that since that is not what is permitted there now, and if it is being proposed, why has there not been a lengthy legal process.

Connie Young

Mt. Washington resident

Ms. Young questioned if restrictions currently enforced on T-Zones (that were agreed upon) enforceable under the new Code. She explained that current T-Zone restrictions allow for restrictions on hours of operation. The new Zoning Code has no regulations regarding hours of operations for business and in addition, eating and drinking establishments can be located next to single family residences. This would allow a bar to be open until 2:30 with a full service liquor license adjacent to single-family homes.

Ms. Moertl explained that with the update, a buffer yard is required between any change of use area, so a full service liquor establishment would not be permissible adjacent to a single-family house without sufficient buffering. Additionally, anything that is currently a negotiated zone, would remain in place with the update.

Loraine Downing

3539 Shaw Avenue

Ms. Downing stated that the Hyde Park Neighborhood Council, City Council, and over 300 residents had concerns with a house being torn down on Shaw for the Episcopal Retirement Home; however, it still happened. She questioned who

ultimately makes these decisions and who has a voice in the community. She stated the RMX designation would allow for more density and they would now have a 14 space parking lot and front yard parking permissible on Shaw. She suggested that more sensitivity should be given to the homeowner.

Charlene Morse

36 Burton Woods

Ms. Morse stated that she likes most everything about new Zoning Code; however, community input is a good thing, and she sees less of it in the new Zoning Code. She suggested that the outcome of community input is always good, particularly with Planned Development Districts and the new Code does not seem to allow for any community involvement at all.

Ms. Morse also stated that North Avondale residents value their older homes and desire their historic district neighborhoods to remain. She explained that North Avondale has 23 lots with large square footage. At the neighborhoods July 8th meeting, they unanimously passed a motion that stated the City value its historical neighborhoods by seeking to preserve the existing homes on large lots. When a home is demolished, it must be rebuilt with the same footprint, or at least the same square footage and that the empty land remain empty.

She also had the following questions:

- Regarding homes that have apartments with front yard parking at this time, will the parking no longer be permitted or will it be grandfathered in?
- Can anyone's house be bought and converted to a church?

David Rosenberg

Cincinnati business and home owner; Winton Place Community Council Zoning Committee

While Mr. Rosenberg acknowledged City Staff for the exemplary job, he suggested that the new Code was still a work in progress. He stated the following reasons for taking additional time:

- While City staff made corrections, if the neighborhood did not have the dedication of volunteers, these mistakes would never have been brought to the City's attention. In Winton Place, over half of the properties were incorrectly assigned. There is a clear pattern to the errors, which are on the side of more density. It is not in the interest of the neighborhoods. 15-20% in Winton Place are still incorrect.
- There is obviously re-zoning in changing from M-1 to ML. There are so many uses for ML, it clearly involves a change in land use.

Betty Moscové

3206 Observatory Avenue

Ms. Moscové stated her concerns have been addressed.

Kathryn H. DiPaula

Resides on Drake Avenue in Oakley

Ms. DiPaula stated she owns a two-family home next to commercially zoned property which fronts Wasson Rd.

She expressed the following concerns:

- The changes have not been communicated to her neighbors. If they had been made aware of the changes, they would have been voicing opposition.
- The re-mapping does not consistently reflect current use, but seems to err on the side of developers. The commercial and office zones are in direct conflict with current residential uses. She cited specific examples:
 - a. 3711 directly across from her property is a 3-story brick apartment building with parking in the rear. She believed it to be office zoning, which is being re-zoned to Commercial Mixed use.
 - b. The two-family home at 3705 is listed as office is being re-zoned as Commercial Mixed.

Ms. DiPaula stated she brought these to the attention of staff, but was told that since they are going to clump things together, these would be Commercial. Ms. DiPaula contended they are more residential than anything and to her knowledge, there has never been any office or commercial use.

- c. The block on Wasson between Drakewood Drive and Drake Avenue currently contains six properties, five of which have some residential components, although it has some commercial – one is a hair salon and two are eating and drinking establishments. There are two parking spaces for the whole street, and yet it is being re-zoned to Mixed Auto use. She suggested it should be community neighborhood.
- There is a problem with buffering provisions. 5-10 feet of greenery and a fence is insufficient.

Betty Burns

2057 Eastern Avenue (20+ year resident)

Ms. Burns stated that a planning process, which started in 1988 culminated in an East End plan in 1992. An EQ District was established supporting that plan and there was the largest geographic re-zoning that occurred historically in the City at that time. Ms. Burns asserted that only 4% of the property she owns in the East End retains its original zoning. She suggested that if ever there was a community where the community plan and the current zoning should be considered, it is the East End. They invested significant funds for architectural and engineering design fees in preparation for development. That development would be completed if the infrastructure was in place. Those plans will not be useable if the proposed zoning maps are adopted.

In response to Mr. Mooney, Ms. Burns replied that there have been multiple zone changes from the existing zoning, and she would provide him with details. She suggested the logical mapping solution for the East End is a map that would reflect the zoning reflected in the plan that was adopted by the Planning Commission and City Council in May, 1992, which includes zoning the community still supports. She stated that City Council and CPC should require the Planning Department to adhere to the legal process prescribed by the City Municipal Code for zoning changes. She explained that the community has participated in this process since 1999, but they do not feel their concerns have been addressed. When the mapping process fails to reflect current zoning, not usage, it not only allows the Planning Department to avoid the required existing process, but denies property owners the due process with which they are entitled.

Jerry Burns

Mr. Burns stated he resides at 2000 Eastern Avenue and owns investment property in the East End. Mr. Burns pointed out that an important factor regarding the Plan adopted in 1992 were the EQ guidelines, which were adopted to help protect the views of the river. He attended community meetings held by the Planning staff in April 2002 in which he voiced numerous concerns regarding the elimination of the EQ guidelines. He was told the concerns would be addressed by carefully utilizing the assignment of new base districts during the mapping phase of the project. In addition, he received a copy of the staff report which was presented to the CPC dated June 14, 2002, which specifically dealt with the EQ Districts indicating that the performance based approach of the new Code would assure neighborhoods that permits would not be issued unless performance standards are met.

Mr. Burns said upon review of the proposed zoning maps for the East End, he has concluded that no careful utilization of new base districts was ever considered. Not only did the proposed mapping not support the plan and the guidelines, it re-zoned much of the riverfront in the East End to permit uses such as barge terminals and 100' storage silos. He and the council president met with Planning staff and developed a detailed spreadsheet (which he submitted). He stated that most of what they requested was ignored and the only changes that occurred was zoning a large portion of the neighborhood as PD, which now means if you want to build a single family house, you have to go to Planning Commission.

David Cors

1328 Meier Avenue

Mr. Cors expressed concern with the re-zoning of Observatory to RMX and with the lot sizes changing from 5000 to 2000 sq ft, when residents there want larger lot sizes and larger houses. To decrease lot size in one of our wealthiest

communities is very detrimental and opens the opportunity to change the character of Hyde Park and ultimately could influence wealthier people to move to the suburbs. Mr. Cors concluded that after hearing of the various effects of commercial use in RMX, to allow it on Observatory would be problematic.

Jeffrey Raser

Representing Walnut Hills Area Council

Mr. Raser stated his experience with City staff is that they have been very responsive and communicative. He had one specific issue of concern. The northern two corners of the Peebles Corner business district are proposed to be CCM. Mr. Raser stated he felt this would drastically change the character of that area and believed CCP would be more appropriate.

Mr. Raser added that in speaking as an architect and as one who deals with existing Zoning Code on a daily basis, 99% of the update is wonderful. He agreed there may be particular outstanding issues, but encouraged CPC and Council to adopt the Code and make the necessary changes to the mapping. He said the best thing about the update is what it does for the more urban and denser areas. He explained that he worked on the City West project in West End where dozens of zoning variances were required to make that community happen on a completely appropriate urban design.

Mr. Raser added one additional concern suggesting that the subdivision regulations need to be revamped completely. They are suburban in nature, not appropriate for urban areas.

Denis Okin

1344 Michigan (Resident since 1976)

Mr. Okin expressed his displeasure with staff's contention that they are not changing use and that misinformation is being given by the Hyde Park Neighborhood Council. He stated if he had not received this information, he would not have known that two homes near his residence could be changed from a doctor's office to a bank.

Specifically, he stated that changing homes currently zoned as residential R-5 to an OL does not make sense. In addition, the change from R-5 to OL would only increase traffic, which already has a very high accident rate. He said that change should occur to fix things that are broken, and suggested that they are trying to fix something that is not broken by taking their wonderful community and changing it into Beechmont Avenue.

Mr. Faux responded that it is not the intent to change zoning. If that was advertently done, we need to be made aware of it, so it can be corrected.

Mr. Mooney added that in defending staff, they are looking at the whole City. There were places that mistakes were made. He stated that he personally thought this change was a mistake. Every other neighborhood that has come before the CPC and staff where most of the problems were worked out because there was a dialogue between neighborhood and staff. He requested that there not be resentment with staff, CPC or the City, since they are trying to resolve issues.

Councilmember Pepper replied that the purpose of the meeting today was to get input and hopefully, create a sense of trust. He acknowledged that the Hyde Park Council works very hard, but was sorry that residents were only recently notified. Most of the neighborhood councils informed their neighborhood citizens months ago, so that when the open house sessions were held a few months ago, most of the concerns were addressed. He acknowledged the frustration that many feel since they were only made aware of the update a few days prior to this evening's meeting. There has, however, been a conscious effort in getting word out regarding update; the open houses were announced for months, as well as the public meetings.

Jeff McSherry

1342 Michigan Avenue.

Mr. McSherry stated that the Office Limited designation at Hyde Park Square is a serious concern and is a re-zoning, which not only affects Observatory, but also the residents on Michigan Avenue. Mr. McSherry questioned if it is appropriate given the circumstances and if it maintained the integrity of the neighborhood. He suggested that there is a good mix of businesses now, and while business growth was good, the timing was not right for the area.

Craig Froehle

3601 Michigan Avenue

Mr. Froehle asserted that the fact that DCDP has 300 people on the mailing list should not be something to boast about; it should be a red flag saying they need to do a better job of getting information to the communities. Additionally, because Community Councils cannot take action to veto activities such as this, it is not fair to expect the Community Councils to notify its citizens. He suggested that the responsibility of notifying citizens should fall on the City Administration, since they have the power to take action and make recommendations.

Mr. Froehle stated his concern with the OL designation of Hyde Park Square had been addressed.

He had another concern regarded Michigan, Griffith, Shaw, and Victoria that is going to be re-zoned to RMX. The current trend is not toward multi-family properties but away from it. Two- and three- person homes are being converted back to single- family. He recommended that to accurately reflect current usage,

they should look at the trends in the neighborhood. He stated most of the designations for the area should be SF-4 or SF-6 since most of the lots are 7500 sf and support a single building. He also pointed out that the infrastructure along Michigan, Griffith, and Shaw could not sustain more traffic.

CONCLUDING REMARKS

Mr. Mooney informed those attending that CPC would work with staff in a meeting scheduled for the following day to review the maps and make modifications based upon specific issues raised at this meeting and the previous two public meetings. A public hearing is planned for August 28th, where they will look at the proposal as modified to reflect the input from the public hearings. At that point, it may be acted on by CPC and passed on to Council. If further feedback is required, CPC has the option of delaying the vote for a few weeks or months. Mr. Mooney suggested that following the meeting scheduled with staff tomorrow, meetings may be arranged with staff or a member of CPC to address additional issues.

Ms. Moertl commented that in reply to the many letters staff has received, every issue will be reviewed and a response given. Written comments will indicate changes made and in circumstances where no change is recommended, the reason will be given. Individuals are free to come back with questions pertaining to staff's responses as well. If anyone did not submit written testimony and would like to send a letter, please do that and we will respond.

Ms. Moertl pointed out that the proposed zoning mapping is available on the internet at www.cincinnati-oh.gov, by clicking on the link to Community Development and Planning. The proposed zoning for an address can be obtained by typing in the address. It enables the user to zoom in and out to see what is happening in the surrounding area. This information has been available for months, and is available to every citizen.

Councilmember Cranley thanked everyone for attending and demonstrating their commitment to the City. Their testimony given not only protects their investment but legitimizes changes made to reflect the communities wishes for zoning and land use. He added that as a result of the last two public meetings on the west side and middle part of the City, staff listened and made changes. They heard many people expressing the need to preserve the trend toward single-family, and in response, made modifications to preserve that trend.

Councilmember Crowley thanked everyone for attending and voiced appreciation for comments given on complex and emotional issues. He stated that they are sincerely interested in making this the best possible process and commended Councilmember Pepper, as chairman of the Neighborhoods Committee for

creating this series of three additional input meetings. He also commended Planning Commission members, who, he noted are volunteers to the City of Cincinnati. Mr. Crowley acknowledged that there were two or three communities who spoke favorably about the process and encouraged the East End and Hyde Park communities to continue from this point, regardless of communication before, and interact with the Commission and staff, getting more information and resolving concerns.

Planning Commission Member Witte stated that after attending all three public hearings, he felt the timeline needs to be resident-driven. The CPC needs to ensure that every detail has been worked out with every community before a vote is taken, and make sure that this plan ultimately is resident friendly, not necessarily developer friendly.

Councilmember Pepper concurred with Mr. Witte stating these public meetings were resident-driven in that they were setup in response to Community Council leaders' concern that they had not had enough time to examine the new Code and its application to the maps. He thanked everyone again for attending and for their commitment to their neighborhoods.

Ms. Moertl thanked everyone and the staff of Community Development and Planning for their effort in responding to issues raised.

ADJOURNMENT

David Pepper, Chairman
Neighborhood & Public Services Committee

Date: _____

Donald J. Mooney, Chairman
City Planning Commission

Date: _____

Margaret M. Moertl, Director

Date: _____